

AMENDED IN ASSEMBLY APRIL 18, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 783

Introduced by Assembly Member Arambula

February 22, 2007

~~An act to amend Section 75022 of the Public Resources Code, relating to water. An act to amend Sections 116275 and 116480 of, and to add Section 116326 to, the Health and Safety Code, relating to public water systems.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 783, as amended, Arambula. ~~Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006: small community drinking water system infrastructure improvements.~~ *Public water systems.*

Existing law, known as the California Safe Drinking Water Act, requires the State Department of Health Services to administer provisions relating to the regulation of drinking water to protect public health, including, but not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable, safe supply of drinking water, enforcing the federal Safe Drinking Water Act, adoption of enforcement regulations, and conducting studies and investigations to assess the quality of water in domestic water supplies.

Existing law, the Calderon-Sher Safe Drinking Water Act of 1996, requires the State Department of Health Services to submit to the Legislature a Comprehensive Safe Drinking Water Plan for California once every 5 years, and to take all reasonable measures necessary to reduce the risk to the public health from waterborne illnesses in drinking water caused by cryptosporidium and giardia.

Effective July 1, 2007, responsibility for the administration of the above-mentioned provisions will be transferred to the State Department of Public Health.

This bill would require the department, in administering programs to fund improvements and expansions of small community water systems, as defined, to give priority in funding disadvantaged communities, as defined, and to encourage consolidation of small community water systems. Existing law permits the department to enter into oral contracts, in an amount not to exceed \$5,000 for immediate remedial action necessary to remedy or prevent emergencies related to contamination of the drinking water supply.

This bill would increase this amount to \$10,000.

~~The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 authorizes the issuance of bonds in the amount of \$5,388,000,000 for the purposes of financing a safe drinking water, water quality and supply, flood control, and resource protection program. Of these bond funds, the bond act makes available \$180,000,000 to the State Department of Public Health for grants for small community drinking water system infrastructure improvements and related actions to meet safe drinking water standards, including grants to finance feasibility studies and to meet the eligibility requirements for a construction grant. The bond act provides that eligible recipients for these grants include public agencies and incorporated mutual water companies that serve disadvantaged communities. The bond act makes these funds available to the department upon appropriation by the Legislature.~~

~~This bill would define, for that purpose, “public agency” to mean a local public agency that is a city, county, city and county, special district, corporation, or mutual water company.~~

~~The bill would require the department to develop a standard application form for predevelopment grant funding to finance feasibility studies and to meet eligibility requirements for a construction grant, as specified. The bill would provide that, of the described funds available for small community drinking water system infrastructure improvements, not more than \$5,000,000 may be allocated for predevelopment grants. The bill would provide that the total amount of predevelopment grant funding available to a single applicant may not exceed \$100,000. The bill would authorize predevelopment grant funds to be expended for specified purposes. The bill would require the applicant to complete work funded by a predevelopment grant, and to prepare and submit to~~

~~the department a planning report for the project, not later than 18 months after the date on which the grant was approved.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 116275 of the Health and Safety Code is
2 amended to read:

3 116275. As used in this chapter:

4 (a) "Contaminant" means any physical, chemical, biological,
5 or radiological substance or matter in water.

6 (b) "Department" means the State Department of Health
7 Services.

8 (c) "Primary drinking water standards" means:

9 (1) Maximum levels of contaminants that, in the judgment of
10 the department, may have an adverse effect on the health of
11 persons.

12 (2) Specific treatment techniques adopted by the department in
13 lieu of maximum contaminant levels pursuant to subdivision (j)
14 of Section 116365.

15 (3) The monitoring and reporting requirements as specified in
16 regulations adopted by the department that pertain to maximum
17 contaminant levels.

18 (d) "Secondary drinking water standards" means standards that
19 specify maximum contaminant levels that, in the judgment of the
20 department, are necessary to protect the public welfare. Secondary
21 drinking water standards may apply to any contaminant in drinking
22 water that may adversely affect the odor or appearance of the water
23 and may cause a substantial number of persons served by the public
24 water system to discontinue its use, or that may otherwise adversely
25 affect the public welfare. Regulations establishing secondary
26 drinking water standards may vary according to geographic and
27 other circumstances and may apply to any contaminant in drinking
28 water that adversely affects the taste, odor, or appearance of the
29 water when the standards are necessary to assure a supply of pure,
30 wholesome, and potable water.

31 (e) "Human consumption" means the use of water for drinking,
32 bathing or showering, hand washing, or oral hygiene.

1 (f) “Maximum contaminant level” means the maximum
2 permissible level of a contaminant in water.

3 (g) “Person” means an individual, corporation, company,
4 association, partnership, limited liability company, municipality,
5 public utility, or other public body or institution.

6 (h) “Public water system” means a system for the provision of
7 water for human consumption through pipes or other constructed
8 conveyances that has 15 or more service connections or regularly
9 serves at least 25 individuals daily at least 60 days out of the year.

10 A public water system includes the following:

11 (1) Any collection, treatment, storage, and distribution facilities
12 under control of the operator of the system which are used
13 primarily in connection with the system.

14 (2) Any collection or pretreatment storage facilities not under
15 the control of the operator that are used primarily in connection
16 with the system.

17 (3) Any water system that treats water on behalf of one or more
18 public water systems for the purpose of rendering it safe for human
19 consumption.

20 (i) “Community water system” means a public water system
21 that serves at least 15 service connections used by yearlong
22 residents or regularly serves at least 25 yearlong residents of the
23 area served by the system.

24 (j) “Noncommunity water system” means a public water system
25 that is not a community water system.

26 (k) “Nontransient noncommunity water system” means a public
27 water system that is not a community water system and that
28 regularly serves at least 25 of the same persons over 6 *six* months
29 per year.

30 (l) “Local health officer” means a local health officer appointed
31 pursuant to Section 101000 or a local comprehensive health agency
32 designated by the board of supervisors pursuant to Section 101275
33 to carry out the drinking water program.

34 (m) “Significant rise in the bacterial count of water” means a
35 rise in the bacterial count of water that the department determines,
36 by regulation, represents an immediate danger to the health of
37 water users.

38 (n) “State small water system” means a system for the provision
39 of piped water to the public for human consumption that serves at
40 least five, but not more than 14, service connections and does not

1 regularly serve drinking water to more than an average of 25
2 individuals daily for more than 60 days out of the year.

3 (o) “Transient noncommunity water system” means a
4 noncommunity water system that does not regularly serve at least
5 25 of the same persons over six months per year.

6 (p) “User” means any person using water for domestic purposes.
7 User does not include any person processing, selling, or serving
8 water or operating a public water system.

9 (q) “Waterworks standards” means regulations adopted by the
10 department that take cognizance of the latest available “Standards
11 of Minimum Requirements for Safe Practice in the Production and
12 Delivery of Water for Domestic Use” adopted by the California
13 section of the American Water Works Association.

14 (r) “Local primacy agency” means any local health officer that
15 has applied for and received primacy delegation from the
16 department pursuant to Section 116330.

17 (s) “Service connection” means the point of connection between
18 the customer’s piping or constructed conveyance, and the water
19 system’s meter, service pipe, or constructed conveyance. A
20 connection to a system that delivers water by a constructed
21 conveyance other than a pipe shall not be considered a connection
22 in determining if the system is a public water system if any of the
23 following apply:

24 (1) The water is used exclusively for purposes other than
25 residential uses, consisting of drinking, bathing, and cooking or
26 other similar uses.

27 (2) The department determines that alternative water to achieve
28 the equivalent level of public health protection provided by the
29 applicable primary drinking water regulation is provided for
30 residential or similar uses for drinking and cooking.

31 (3) The department determines that the water provided for
32 residential or similar uses for drinking, cooking, and bathing is
33 centrally treated or treated at the point of entry by the provider, a
34 passthrough entity, or the user to achieve the equivalent level of
35 protection provided by the applicable primary drinking water
36 regulations.

37 (t) “Resident” means a person who physically occupies, whether
38 by ownership, rental, lease or other means, the same dwelling for
39 at least 60 days of the year.

1 (u) “Water treatment operator” means a person who has met
2 the requirements for a specific water treatment operator grade
3 pursuant to Section 106875.

4 (v) “Water treatment operator-in-training” means a person who
5 has applied for and passed the written examination given by the
6 department but does not yet meet the experience requirements for
7 a specific water treatment operator grade pursuant to Section
8 106875.

9 (w) “Water distribution operator” means a person who has met
10 the requirements for a specific water distribution operator grade
11 pursuant to Section 106875.

12 (x) “Water treatment plant” means a group or assemblage of
13 structures, equipment, and processes that treat, blend, or condition
14 the water supply of a public water system for the purpose of
15 meeting primary drinking water standards.

16 (y) “Water distribution system” means any combination of pipes,
17 tanks, pumps, and other physical features that deliver water from
18 the source or water treatment plant to the consumer.

19 (z) “Public health goal” means a goal established by the Office
20 of Environmental Health Hazard Assessment pursuant to
21 subdivision (c) of Section 116365.

22 (aa) “Small community water system” means a community
23 water system that serves no more than 4,500 service connections
24 or a yearlong population of no more than 12,600 persons.

25 (ab) “Disadvantaged community” means the entire service of
26 area of a community water system, or a community therein, in
27 which the median household income is less than 80 percent of the
28 statewide average.

29 SEC. 2. Section 116326 is added to the Health and Safety Code,
30 to read:

31 116326. In administering programs to fund improvements and
32 expansions of small community water systems, the department
33 shall do all of the following:

34 (a) Give priority to funding projects in disadvantaged
35 communities.

36 (b) Encourage the consolidation of small community water
37 systems that serve disadvantaged communities in instances where
38 consolidation will help the affected agencies and the state to meet
39 all of the following goals:

40 (1) Improvement in the quality of water delivered.

1 (2) *Improvement in the reliability of water delivery.*

2 (3) *Reduction in the cost of drinking water for ratepayers.*

3 (c) *Pursuant to subdivision (b), allow funding for feasibility*
4 *studies performed prior to a construction project to include studies*
5 *of the feasibility of consolidating two or more small community*
6 *water systems that serve disadvantaged communities.*

7 (d) *In instances where it is shown that small community water*
8 *system consolidation will further the goals of subdivision (b), give*
9 *priority to funding construction projects that involve the physical*
10 *restructuring of two or more small community water systems that*
11 *serve disadvantaged communities into a single, consolidated*
12 *system.*

13 SEC. 3. *Section 116480 of the Health and Safety Code is*
14 *amended to read:*

15 116480. (a) The department shall expend moneys available
16 in the Emergency Clean Water Grant Fund only for the purpose
17 of taking corrective action necessary to remedy or prevent an
18 emergency or imminent threat to public health due to the
19 contamination or potential contamination of the public water
20 supply.

21 (b) Notwithstanding any other provision of law, the department
22 may enter into written contracts for remedial action taken or to be
23 taken pursuant to subdivision (a), and may enter into oral contracts,
24 not to exceed ~~five~~ *ten* thousand dollars ~~(\$5,000)~~ *(\$10,000)* in
25 obligation, when, in the judgment of the department, immediate
26 remedial action is necessary to remedy or prevent an emergency
27 specified in subdivision (a). The contracts, written or oral, may
28 include provisions for the rental or purchase of tools and
29 equipment, either with or without operators, for the furnishing of
30 labor and materials and for engineering consulting necessary to
31 accomplish the work.

32 ~~SECTION 1. Section 75022 of the Public Resources Code is~~
33 ~~amended to read:~~

34 ~~75022. (a) The sum of one hundred eighty million dollars~~
35 ~~(\$180,000,000) shall be available to the State Department of Public~~
36 ~~Health for grants for small community drinking water system~~
37 ~~infrastructure improvements and related actions to meet safe~~
38 ~~drinking water standards. Priority shall be given to projects that~~
39 ~~address chemical and nitrate contaminants, other health hazards~~
40 ~~and by whether the community is disadvantaged or severely~~

1 disadvantaged. Special consideration shall be given to small
2 communities with limited financial resources. Eligible recipients
3 include public agencies and incorporated mutual water companies
4 that serve disadvantaged communities. The State Department of
5 Public Health may make grants for the purpose of financing
6 feasibility studies and to meet the eligibility requirements for a
7 construction grant. Construction grants shall be limited to
8 \$5,000,000 per project and not more than 25 percent of a grant
9 may be awarded in advance of actual expenditures. The State
10 Department of Public Health may expend up to \$5,000,000 of the
11 funds allocated in this section for technical assistance to eligible
12 communities.

13 (b) For the purpose of this section, “public agency” means a
14 local public agency as defined in Section 10533 of the Water Code.

15 (c) For the purposes of this section, “predevelopment grant”
16 means a grant awarded pursuant to subdivision (a) for feasibility
17 studies and to meet the eligibility requirements for a construction
18 grant.

19 (d) Predevelopment grants are subject to all of the following
20 requirements:

21 (1) The State Department of Public Health shall develop a
22 standard application form for predevelopment grant funding to
23 identify whether an applicant is eligible for construction project
24 funding under this section and to assess an applicant’s need for
25 predevelopment grant funding. The State Department of Public
26 Health shall use the completed application form to review requests
27 for predevelopment grant funding.

28 (2) Of the funds described in subdivision (a), not more than five
29 million dollars (\$5,000,000) may be allocated for predevelopment
30 grants.

31 (3) The total amount of predevelopment grant funding available
32 to a single applicant may not exceed one hundred thousand dollars
33 (\$100,000).

34 (4) Predevelopment grant funds may be expended to pay costs
35 for planning, studies, including feasibility studies for the
36 consolidation of small community drinking water systems,
37 preliminary engineering and design, state and federal environmental
38 compliance, acquisition of land, easements, and rights-of-way,
39 drilling of test wells, laboratory tests, legal and administrative fees,
40 or any combination of these purposes. Predevelopment grant funds

1 shall not be expended for detailed design, equipment purchase, or
2 construction.
3 (5) ~~The applicant shall complete work funded by a~~
4 ~~predevelopment grant, and prepare and submit to the State~~
5 ~~Department of Public Health a planning report for the project, not~~
6 ~~later than 18 months after the date on which the grant was~~
7 ~~approved.~~

O